

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 13TH NOVEMBER 2007 / 22ND KARTHIKA 1929

W.P.(C).No. 32959 of 2007(W)

PETITIONER:

SMT.ANANDAVALLY SUSEELAN, RESIDING AT
1.D 607, ISRO HOUSING COLONY,
JALA HALLI, BANGALORE-13.

BY ADV. SRI.JOHN VARGHESE
SRI.T.SAJI

RESPONDENTS:

1. UNION OF INDIA REPRESENTED BY THE
SECRETARY GOVERNMENT OF INDIA, MINISTRY OF
FINANCE, DEPARTMENT OF ECONOMIC AFFAIRS,
(BANKING DIVISION), NEW DELHI-110001.
2. DISTRICT MAGISTRATE AND DISTRICT COLLECTOR,
ALAPPUZHA.
3. HOUSING DEVELOPMENT FINANCE CORPN. LTD.,
REPRESENTED BY ITS AUTHORISED OFFICER,
HDFC HOUSE, POST BAG NO. 1667, RAVIPURAM JUNCTION,
M.G.ROAD, KOCHI-682 015.
4. THE TAHSILDAR, CHERTHALA, ALAPPUZHA DISTRICT.

BY ADV. SRI.K.K. CHANDRAN PILLAI, SC, HDFC
ASST. SOLICITOR GENERAL, SRI.P. PARAMESWARAN NAIR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13/11/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ANTONY DOMINIC, J.

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W.P. (C) No. 32959 OF 2007 W
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Dated this the 13th November, 2007

J U D G M E N T

The proceedings initiated by the 3rd respondent under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is under challenge. Though the petitioner raised several contentions in the writ petition, the only relief that is pressed before me, is for an instalment facility to pay off the dues. Going by Ext. P1 notice issued under Section 13(2) of the Act the liability as on 30-4-2007 was Rs.8,77,080/-. Having regard to the submissions that are made by both sides, I dispose of the writ petition with the following directions:

2. That before 15th December, 2007 the petitioner shall make a remittance of Rs.1.5 lakhs with the 3rd respondent Bank. The balance due and payable by the petitioner shall be paid in five equal monthly

instalments, ie. from 15th of January, 2008 onwards. Subsequent instalments will be payable on the 15th of every succeeding month. Subject to payments as above, proceedings initiated against the petitioner shall be deferred. However, if the petitioner commits any default in paying any one of the instalments, the respondents will be free to proceed against the petitioner without further notice.

**ANTONY DOMINIC
JUDGE**

jan/-